

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00085-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
(1) JAMES DEE BALL;)	
(2) KELSIE MARIE BUNCH;)	
(3) THERESA LORENE BURNS;)	
(4) ANNA MARIE POSTELL COCHRAN;)	
(5) THOMAS BART COCHRAN;)	
(6) JEREMIAH JEROME GIBBY;)	
(7) HOKE BENJAMIN CALEB HAYES;)	
(8) BRYAN KEITH JENKINS;)	
(9) RAY CHAD LEQUIRE;)	
(10) AMANDA BROOKE McKINNEY;)	
(11) MIRANDA NATIONS;)	
(12) TAMMIE LYNN PAYNE;)	
(13) BRANDI LYNN SMITH;)	
(14) GREGORY DANIEL STEEDLY;)	
(15) CAIN HAMILTON STRICKLAND; and)	
(16) SEBERN TODD WYATT,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on the motions to continue filed by Defendants James Dee Ball, Thomas Bart Cochran, and Ray Chad Lequire [Docs. 192, 193, 195]. Defendant Anna Marie Postell Cochran moves to join her co-defendants' request for a continuance [Doc. 194].

On September 15, 2015, the above-referenced Defendants were charged in an eleven-count Bill of Indictment with, *inter alia*, conspiracy to distribute and possess with intent to distribute a quantity of methamphetamine, in violation of 21 U.S.C. § 846. [Doc. 3]. The Defendants are currently scheduled for trial during the January 4, 2016 trial term.

Several Defendants now move for a continuance of the trial date, citing among other reasons the need for additional time to review the extensive discovery produced by the Government and to engage in plea negotiations and/or prepare for trial. The Government does not oppose the requested continuance.

The Court finds that this case should be continued. Defendant Thomas Bart Cochran is currently undergoing a mental competency examination. This evaluation must be completed and the Defendant returned to this District before this case may proceed to trial. See 18 U.S.C. § 3161(h)(1)(A) (excluding from Speedy Trial Act calculation any delay resulting from examinations to determine mental competency). Additionally, Defendant Tammie Lynn Payne has filed a suppression motion which has to be heard by the Magistrate Judge. See 18 U.S.C. § 3161(h)(1)(D) (excluding from Speedy Trial Act calculation “[a]ny period of delay . . . resulting from any

pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion”); 18 U.S.C. § 3161(h)(1)(H) (excluding any “delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is under advisement by the court”).

For all of the reasons stated above, the Court finds that if the requested continuance were not granted, counsel would be denied “the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that failure to continue these cases would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i).

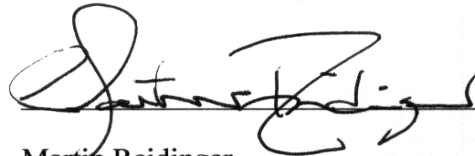
Because no motion for severance has been granted, the continuance of the moving Defendants justifies the continuance of their co-defendants as well. See 18 U.S.C. § 3161(h)(6) (allowing for exclusion of “a reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted”).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

Accordingly, **IT IS, THEREFORE, ORDERED** that the motions filed by Defendants James Dee Ball, Thomas Bart Cochran, Ray Chad Lequire, and Anna Marie Postell Cochran [Docs. 192, 193, 194, 195] are **GRANTED**, and all of the above-captioned Defendants are hereby **CONTINUED** from the January 4, 2016 term in the Asheville Division.

IT IS SO ORDERED.

Signed: December 14, 2015


Martin Reidinger
United States District Judge

